

Atty. Dkt. No. 00CR156/KE (47141-429)

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Applicants thank the Examiner for the detailed Office Action dated May 16, 2007. **JUL 16 2007**
Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

The amendment adds, changes and/or deletes claims in this Application. A detailed listing of all claims that are, or were, in this Application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Claims 1, 3-12, 14, and 16-21 were pending in the Application. Claims 1, 10, and 14 have been amended. Claims 1, 3-12, 14, and 16-21 are now pending in this Application.

On page 2, the Examiner objected to an informality in Claim 10. Claim 10 has been amended to correct this informality. Entry of this amendment and reconsideration and withdrawal of the objection to Claim 10 is respectfully requested.

For simplicity and clarity purposes in responding to the Office Action, Applicants' remarks are primarily focused on the rejections of the independent claims (i.e., Claims 1, 10 and 14) outlined in the Office Action, with the understanding that the dependent claims that depend from the independent claims are patentable for at least the same reasons (and in most cases other reasons) that the independent claims are patentable. Applicants expressly reserve the right to argue the patentability of the dependent claims separately in any future proceedings.

Independent Claim 1

The Examiner rejected Claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,292,917 to Sinha et al. ("Sinha").

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Sinha shows an “unequal error protection (UEP) techniques for use in the transmission of audio information bits, e.g., audio bits generated by an audio coder such as the perceptual audio coder (PAC)” (Sinha at col. 3, lines 54-57).

Sinha does not identically disclose the combination of elements recited in independent Claim 1. For example, independent Claim 1 recites “intercepting an application call initiating the file stream, wherein an embedded function located between an application layer and a transport layer is configured to initiate the intercepting the application call initiating the file stream,” “negotiating quality of service parameters for at least two streams” including, among other elements, “the one of two streams has a higher quality of service level based at least in part on the detected level of interference,” and “wherein the embedded function is configured to identify important bits and less important bits within the file stream and to negotiate quality of service parameters for at least two streams,” which is not identically disclosed in Sinha.

Sinha appears to disclose a system that utilizes “unequal error protection (UEP) techniques for use in the transmission of audio information bits” (Sinha at col. 3, lines 54-57). Sinha does not disclose a system that is utilized in a packet-switched network and/or a computer network, which has an “embedded function located between an application layer and a transport layer [that] is configured to initiate the intercepting the application call,” and “to identify important bits and less important bits within the file stream and to negotiate quality of service parameters for at least two streams.” Since Sinha does not appear to disclose any embedded function located between an application layer and a transport layer that is configured to initiate the intercepting the application call, identify important bits, and negotiate quality of service parameters, Sinha does not anticipate the subject matter recited in Claim 1, as amended.

Applicants respectfully submit that the subject matter recited in independent Claim 1 and the claims which are dependent thereon, are not anticipated and would not have been obvious to

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a person of ordinary skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

Independent Claim 10

The Examiner rejected Claim 10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,292,917 to Sinha et al. ("Sinha").

Sinha shows an "unequal error protection (UEP) techniques for use in the transmission of audio information bits, e.g., audio bits generated by an audio coder such as the perceptual audio coder (PAC)" (Sinha at col. 3, lines 54-57).

Sinha does not identically disclose the combination of elements recited in independent Claim 10, as amended. For example, independent Claim 10, as amended, recites "a software component for negotiating quality of service parameters with the network, the software component being located above a transport layer of the network" and "wherein the software component is configured to include an embedded function, the embedded function is configured to intercept an application call initiating a file stream," which is not identically disclosed in Sinha.

Sinha appears to disclose a system that utilizes "unequal error protection (UEP) techniques for use in the transmission of audio information bits" (Sinha at col. 3, lines 54-57). Sinha does not disclose a system that is utilized in a packet-switched network and/or a computer network, which includes "a software component for negotiating quality of service parameters with the network, the software component being located above a transport layer of the network" and "wherein the software component is configured to include an embedded function, the embedded function is configured to intercept an application call initiating a file stream." Since Sinha does not appear to disclose a software component being located above a transport layer and an embedded function that intercepts an application call initiating a file stream, Sinha does not anticipate the subject matter of Claim 10, as amended.

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Applicants respectfully submit that the subject matter recited in independent Claim 10, as amended, and the claims which are dependent thereon, are not anticipated and would not have been obvious to a person of ordinary skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

Independent Claim 14

The Examiner rejected Claim 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,292,917 to Sinha et al. (Sinha).

Sinha shows an “unequal error protection (UEP) techniques for use in the transmission of audio information bits, e.g., audio bits generated by an audio coder such as the perceptual audio coder (PAC)” (Sinha at col. 3, lines 54-57).

Sinha does not identically disclose the combination of elements recited in independent Claim 14, as amended. For example, independent Claim 14, as amended, recites “intercepting an application call initiating a file stream, wherein an embedded function located between an application layer and a transport layer is configured to initiate the intercepting the application call initiating the file stream.” “negotiating quality of service parameters for each of a plurality of file streams,” and “wherein the embedded function is configured to identify bits that must be correctly received by a receiving device for a successful transmission, to identify bits to be discarded or transmitted via lossy compression techniques without detectable signal degradation, and to negotiate quality of service parameters for each of a plurality of file streams,” which is not identically disclosed in Sinha.

Sinha appears to disclose a system that utilizes “unequal error protection (UEP) techniques for use in the transmission of audio information bits” (Sinha at col. 3, lines 54-57). Sinha does not disclose a system that is utilized in a packet-switched network and/or a computer network, which negotiates quality of service parameters for at least two streams. Since Sinha does not appear to disclose any embedded function located between an application layer and a

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transport layer that is configured to initiate the intercepting the application call, identify bits to be discarded or transmitted via lossy compression techniques without detectable signal degradation, and to negotiate quality of service parameters, Sinha does not anticipate this invention.

Applicants respectfully submit that the subject matter recited in independent Claim 14, as amended, and the claims which are dependent thereon, are not anticipated and would not have been obvious to a person of ordinary skill in the art and are patentable. Accordingly, Applicants request withdrawal of the rejection of the claims under 35 U.S.C. § 102(e).

* * *

Applicants respectfully submit that the present Application is in condition for allowance. Applicants request reconsideration and allowance of the pending claims. The Examiner is invited to contact the undersigned by telephone if the Examiner needs anything or if a telephone interview would advance the prosecution of the present Application.

Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present patent Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent Application and/or any patents or patent applications to which priority is claimed by this patent Application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date 7/16/07By Kyle Eppele

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